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TELEPHONE: 32-2-549-5230

FACSIMILE: 32-2-502-1598

April 15, 1999

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, Counter TW-A325
Washington, D.C. 20554

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APR 15 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Notice: In the Matter of Amendment of the Commission's Rules
with Regard to the 3650-3700 MHz Government Transfer Band
ET Docket No. 98-237

Dear Ms. Salas:

New Skies Satellites, N.V. ("New Skies") hereby notifies the Commission that Christine Enemark of Covington and Burling spoke on the telephone today with Mindy Ginsburg in the International Bureau, and Dan Goldberg and Andrew D'Uva of New Skies spoke with Ms. Ginsburg and Dan Connors in Commissioner Ness's office yesterday. The purpose of these calls was to discuss further several issues relating to the Commission's freeze order on earth station applications in the extended C-band, especially the potential for geographic sharing of the spectrum by fixed satellite and fixed wireless users. The substance of this discussion is reflected in the comments, reply comments, and request for emergency relief filed by New Skies in the above-captioned proceeding.

Very truly yours,



Christine E. Enemark
Attorney for
New Skies Satellites N.V.

cc: Ms. Mindy Ginsburg
Mr. Dan Connors

No. of Copies rec'd 0+1
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Mr. Robert Calaff
Office of Commissioner Powell
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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Re: In the Matter of Amendment of the Commission's Rules
with Regard to the 3650-3700 MHz Government Transfer Band
ET Docket No. 98-237

Dear Robert:

I am sending this letter to follow-up on some issues that were raised subsequent to our discussion of the freeze on earth station applications in the extended C-band and the detrimental impact of that freeze for New Skies. First, to clarify the international allocation for the 3400-3700 MHz band: In Region 2, Fixed and Fixed Satellite services are allocated to operate in the 3400-3700 MHz band on a co-primary basis. Furthermore, as the Commission's *Notice of Proposed Rulemaking* in this proceeding explains, there is international interest in using the 3400-3600 MHz band for fixed wireless access services, with the 3600-3700 MHz band for expansion of those services, if necessary. Indeed, Mexico has already auctioned spectrum for fixed wireless services in the 3400-3600 band.

Second, it has been suggested that New Skies should have anticipated that the reallocation of this spectrum would impact its future operations because the extended C-band has long been slated for transfer from the government to private commercial use. Although it is true that the extended C-band has long been identified by the federal government as spectrum available for transfer, New Skies reasonably expected that this spectrum would be available to accommodate existing and future private satellite operations. Indeed, the Commission has consistently suggested that the extended C-band would provide additional opportunities for fixed satellite services. *See, e.g., Plan for Reallocated Spectrum*, 11 FCC Rcd 17841, 17871 (1996). Thus, it was reasonable for New Skies' predecessor company to invest in long-term satellite equipment to operate in this band; New Skies had no advance warning that the Commission was contemplating allocating this spectrum for an entirely different and, to great extent, inconsistent use.

April 15, 1999

Page 2

We enjoyed speaking with you on Tuesday, and we look forward to working with you further on this issue. If you have any questions or need any additional information from New Skies, please feel free to give me a call at (202) 662-5136.

Very truly yours,

A handwritten signature in cursive script, reading "Christine Enemark".

Christine E. Enemark
Attorney for
New Skies Satellites N.V.

cc: Ms. Magalie Roman Salas (ex parte notice)

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BY HAND DELIVERY

Mr. Paul Misener

Office of Commissioner Furchtgott-Roth

Federal Communications Commission

445 12th Street, S.W.

Washington, D.C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
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Re: In the Matter of Amendment of the Commission's Rules
with Regard to the 3650-3700 MHz Government Transfer Band
ET Docket No. 98-237

Dear Paul:

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Second, it has been suggested that New Skies should have anticipated that the reallocation of this spectrum would impact its future operations because the extended C-band has long been slated for transfer from the government to private commercial use. Although it is true that the extended C-band has long been identified by the federal government as spectrum available for transfer, New Skies reasonably expected that this spectrum would be available to accommodate existing and future private satellite operations. Indeed, the Commission has consistently suggested that the extended C-band would provide additional opportunities for fixed satellite services. *See, e.g., Plan for Reallocated Spectrum*, 11 FCC Rcd 17841, 17871 (1996). Thus, it was reasonable for New Skies' predecessor company to invest in long-term satellite equipment to operate in this band; New Skies had no advance warning that the Commission was contemplating allocating this spectrum for an entirely different and, to great extent, inconsistent use.

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Very truly yours,

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Christine E. Enemark
Attorney for
New Skies Satellites N.V.

cc: Ms. Magalie Roman Salas (ex parte notice)

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Ms. Karen Gulick
Office of Commissioner Tristani
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: In the Matter of Amendment of the Commission's Rules
with Regard to the 3650-3700 MHz Government Transfer Band
ET Docket No. 98-237

Dear Karen:

I am sending this letter to follow-up on some issues that were raised subsequent to our discussion of the freeze on earth station applications in the extended C-band and the detrimental impact of that freeze for New Skies. First, to clarify the international allocation for the 3400-3700 MHz band: In Region 2, Fixed and Fixed Satellite services are allocated to operate in the 3400-3700 MHz band on a co-primary basis. Furthermore, as the Commission's *Notice of Proposed Rulemaking* in this proceeding explains, there is international interest in using the 3400-3600 MHz band for fixed wireless access services, with the 3600-3700 MHz band for expansion of those services, if necessary. Indeed, Mexico has already auctioned spectrum for fixed wireless services in the 3400-3600 band.

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Christine E. Enemark
Attorney for
New Skies Satellites N.V.

cc: Ms. Magalie Roman Salas (ex parte notice)

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Mr. Dan Connors
Office of Commissioner Ness
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: In the Matter of Amendment of the Commission's Rules
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Dear Dan:

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